IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 313 of 2001 (M/B)

Nar Singh Mehra,
S/o Sri Raje Singh Mehra,
Presently R/o Village Nailwalpali,
Tehsil Bhikiasen, Post Office Manuli,
District Almora. …… Petitioner

Versus

1. Commissioner and Secretary,
   Board of Revenue, U.P.,
   (Anubhag-3 Tehsildar, Naib Tehsildar),
   Lucknow.
2. Additional Land Reforms Commissioner (Accounts),
   Board of Revenue, U.P. Pension Cell,
   Lucknow.
3. Collector / District Magistrate,
   District Almora.
4. Collector / District Magistrate,
   Bageshwar. …. Respondents

Mr. Manoj Tewari, Advocate for the petitioner.
Ms. Beena Pandey, Standing Counsel for the State of U.P.
Mr. K.P. Upadhyaya, Standing Counsel for the State of Uttaranchal.

JUDGMENT
Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Verma, J.

P.C. VERMA, J. (Oral)

1. By means of this writ petition, the petitioner is seeking a relief for the issue of a direction to the respondents to pay the post-retiral dues of the petitioner.

2. A counter affidavit has been filed on behalf of respondent No. 1 in which it has been stated that the criminal proceedings are pending against the petitioner and therefore, only the provisional pension is being paid to the petitioner. It is also stated that the moment the petitioner is exonerated from the criminal trial, full and final pension, including gratuity, will be paid to him.

3. In view of the above statement made, we are of the view that no useful purpose will be served in keeping the writ petition pending.

4. The writ petition is, therefore, disposed of with a liberty to the petitioner to file a fresh writ petition, if there is any delay in payment of final pension after he is exonerated from the criminal trial.

(P.C. Verma, J.) **(Rajeev Gupta, C.J.)**
17.02.2006 **17.02.2006**

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